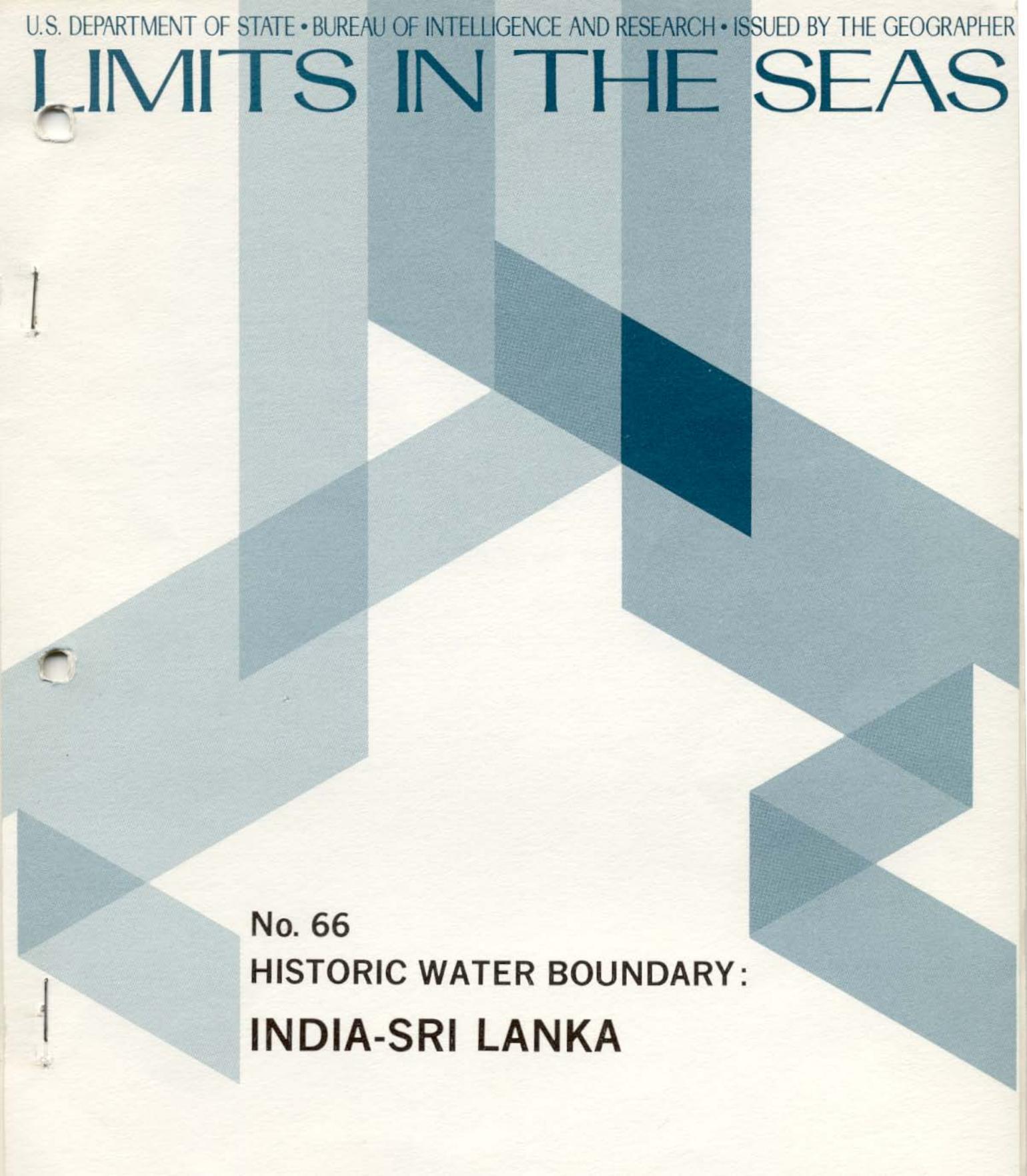


U.S. DEPARTMENT OF STATE • BUREAU OF INTELLIGENCE AND RESEARCH • ISSUED BY THE GEOGRAPHER

LIMITS IN THE SEAS



No. 66

HISTORIC WATER BOUNDARY:

INDIA-SRI LANKA

This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim of the series is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

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No. 66

Historic Waters Boundary: India-Sri Lanka

December 12, 1975

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

I. INTRODUCTION

The Governments of the Republic of India and the Republic of Sri Lanka agreed on June 26-28, 1974, to delimitation of a boundary through the "historic waters" of Palk Bay. The agreement, which came into force on July 8, 1974, has been printed in the Government of India's Notice to Mariners, Edition No. 9, Notices 133 to 156, April 15, 1975. The full text of the agreement is as follows:

AGREEMENT BETWEEN INDIA AND SRI LANKA ON THE BOUNDARY IN HISTORIC WATERS BETWEEN THE TWO COUNTRIES AND RELATED MATTERS

The Government of the Republic of India and the government of the Republic of Sri Lanka,

Desiring to determine the boundary line in the historic waters between India and Sri Lanka and to settle the related matters in a manner which is fair and equitable to both sides,

Having examined the entire question from all angles and taken into account the historical and other evidence and legal aspects thereof,

Have agreed as follows:

ARTICLE 1

The boundary between India and Sri Lanka in the waters from Adam's Bridge to Palk Strait shall be arcs of Great Circles between the following positions, in the sequence given below, defined by latitude and longitude.

Position 1: 10° 05' North, 80° 03' East

Position 2: 09° 57' North, 79° 35' East

Position 3: 09° 40'.15 North, 79° 22'.60 East

Position 4: 09° 21'.80 North, 79° 30'.70 East

Position 5: 09° 13' North, 79° 32' East

Position 6: 09° 06' North, 79° 32' East

ARTICLE 2

The coordinates of the positions specified in Article 1 are geographical coordinates and the straight lines connecting them are indicated in the chart annexed hereto which has been signed by the surveyors authorized by the two Governments, respectively.

ARTICLE 3

The actual location of the aforementioned positions at sea and on the seabed shall be determined by a method to be mutually agreed upon by the surveyors authorized for the purpose by the two Governments, respectively.

ARTICLE 4

Each country shall have sovereignty and exclusive jurisdiction and control over the waters, the islands, the continental shelf and sub soil thereof, falling on its own side of the aforesaid boundary.

ARTICLE 5

Subject to the foregoing, Indian fishermen and pilgrims will enjoy access to visit Kachchativu as hitherto, and will not be required by Sri Lanka to obtain travel documents or visas for these purposes.

ARTICLE 6

The vessels of India and Sri Lanka will enjoy in each other's waters such rights as they have traditionally enjoyed therein.

ARTICLE 7

In any single geological petroleum or natural gas structure or field, or any single geological structure or field of any other mineral deposit, including sand or gravel, extends across the boundary referred to in Article 1 and the part of such structure or field which is situated on one side of the boundary is exploited, in whole or in part, from the other side of the boundary, the two countries shall seek to reach agreement as to the manner in which the structure or field shall be most effectively exploited and manner in which the proceeds deriving therefrom shall be apportioned.

ARTICLE 8

This Agreement shall be subject to ratification. It shall enter into force on the date of exchange of the instruments of ratification which will take place as soon as possible.

FOR THE GOVERNMENT
OF THE REPUBLIC OF
INDIA

FOR THE GOVERNMENT
OF THE REPUBLIC OF
SRI LANKA

Sd/- Indira Gandhi
New Delhi 26 6.74

Sd/- Sirimavo R.D. Bandaranaike
Colombo 28.6.74

Note: The chart referred to in Article 2 of the agreement is B.A. Chart 68a. The size of the chart precludes its annexing herewith.

Palk Bay, an inlet of the Bay of Bengal, is bordered by the Indian peninsula on the west, the

island chain of Adams Bridge on the south, and the island of Ceylon on the east. The principal access to the Bay of Bengal is through Palk Strait, north of Sri Lanka. The bay measures approximately 74 nautical miles along its north-south axis and 76 nautical miles on the major east-west axis. Many islands are situated within the eastern quadrant of the bay. However, the dimensions preclude the inclusion of all waters within claimed 12-mile territorial seas measured from the baselines of the two states.

The question of historicity of Palk Bay was resolved by the decision rendered in the Annakumar Pillai v. Muthupayal case, heard in the Appellate Criminal Division of the Indian High Court in Madras in 1903-04. At this time, both Sri Lanka (Ceylon) and India were under various forms of U.K. administration. The suit involved rights to chank beds and pearl grounds in Palk Bay and the adjacent Gulf of Mannar (Manaar). According to the decision, Palk Bay was "landlocked by His Majesty's dominions for eight-ninths of its circumference ... [and] effectively occupied for centuries by the inhabitants of the adjacent districts of India and Ceylon respectively."

The Court added that "[w]e do not think that Palk's Bay can be regarded as being in any sense the open sea and therefore outside the territorial jurisdiction of His Majesty." Further, British occupation had, according to the Court, received "the acquiescence of other nations."

Although the current boundary agreement concerns only Palk Bay, the Gulf of Mannar was also deemed by the decision to be an "historic bay."

II. ANALYSIS

The India-Sri Lanka agreement delimits a maritime boundary containing two terminal and four turning points through the historic waters of Palk Bay. While the agreement does not specify the Palk Bay closing line, it may be inferred from the location of Position 1 and the geographic features of the adjacent coasts of India and Sri Lanka. On the north, the "natural entrance point" appears to be in the low-water headland of Point Calimere, while the southern point is Palmyrah Point on the northeast coast of Ceylon. The total length of this closing line is approximately 35.107 nautical miles.

The total length of the maritime boundary is 85.375 nautical miles. Distances between the Positions of the treaty are as follows:

Positions	Distance in Nautical Miles	Approximate water depths
1 - 2	28.735	6.5 fathoms
2 - 3	20.832	6.5 - 7 fathoms
3 - 4	20.004	7 - 6.75 fathoms
4 - 5	8.883	6.75 - 6 fathoms
5 - 6	6.921	6 fathoms to low tide

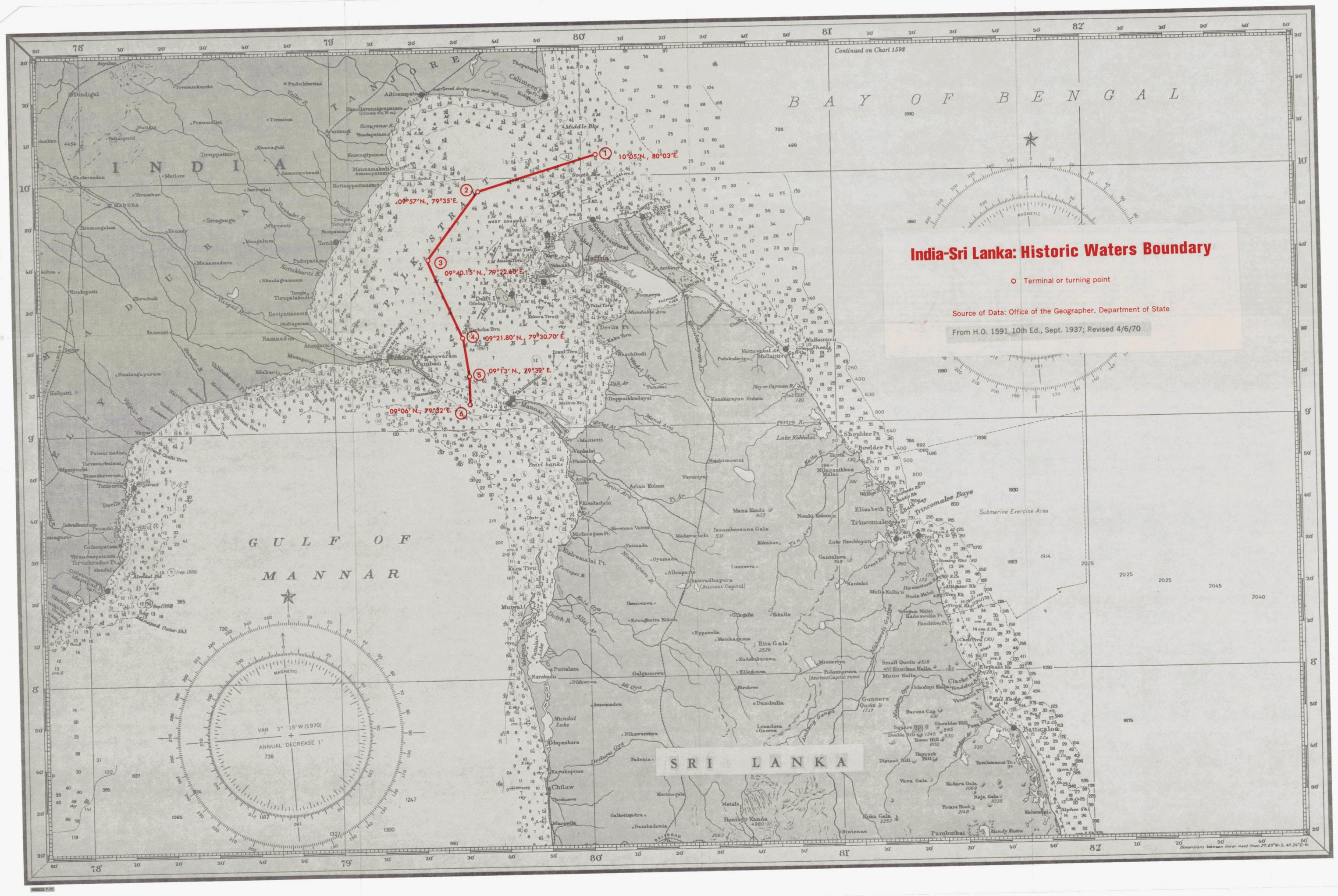
The relationships between the positions and the national baselines of India and Sri Lanka are as follows:

POSITION	DISTANCE TO BASELINE		DISTANCE TO BASELINE		COMMENTS (if any)
	INDIA	SRI LANKA	INDIA	SRI LANKA	
		N.M.		N.M.	
1	15.748	19.360	Calimere	Palmyrah	No. 1 is situated approximately 15.748 n.m., i.e., equidistant, between Pt. Calimere and an unnamed cape west of Kankasanturai (Ceylon). The ensuing line between Positions 1 and 2 may be deemed to be selectively but not strictly equidistant.
2	19.469	19.432	Unnamed island (09°57'N. 10°02'E.	Eluvativu Island	This slight discrepancy in the distances may stem from the determined positions of the base points. Position 2 may, as a result, be deemed to be selectively equidistant.
3	21.828	20.595	Pambar Delta	Delft I.	
4	10.879	12.279	Pamban I.	Delft I.	Position 4, of course, is situated much closer to the island of Kachchativu (1.187 n.m.). The island has been allocated to Sri Lanka by the maritime boundary. See Article 5.
5	5.815	6.921	Unnamed Adams Bridge Is.		Position No. 5 is equidistant (12.163 n.m) from both Pamban (India) and Mannar (Sri Lanka).
6					According to USNHO chart No. 63250, Position 6 falls on a low-tide area which joins two small islands in Adams Bridge. The western island would fall to India; the eastern to Sri Lanka.

III. SUMMARY

The delimitation reflects a selective, i.e. modified, application of the principle of equidistance. As noted, the maritime boundary divides the historic waters and the seabed of Palk Bay. Traditional fishing rights of both parties, however, are preserved. The boundary agreement further serves to settle peacefully the Kachchitivu island dispute and to delimit the India-Sri Lanka boundary in the Adams Bridge region.

It is understood that further negotiations between the two States have begun to extend the maritime boundary eastward into the Bay of Bengal and southward through the Gulf of Mannar. The waters of the latter are also deemed to be "historic" by India and Sri Lanka.

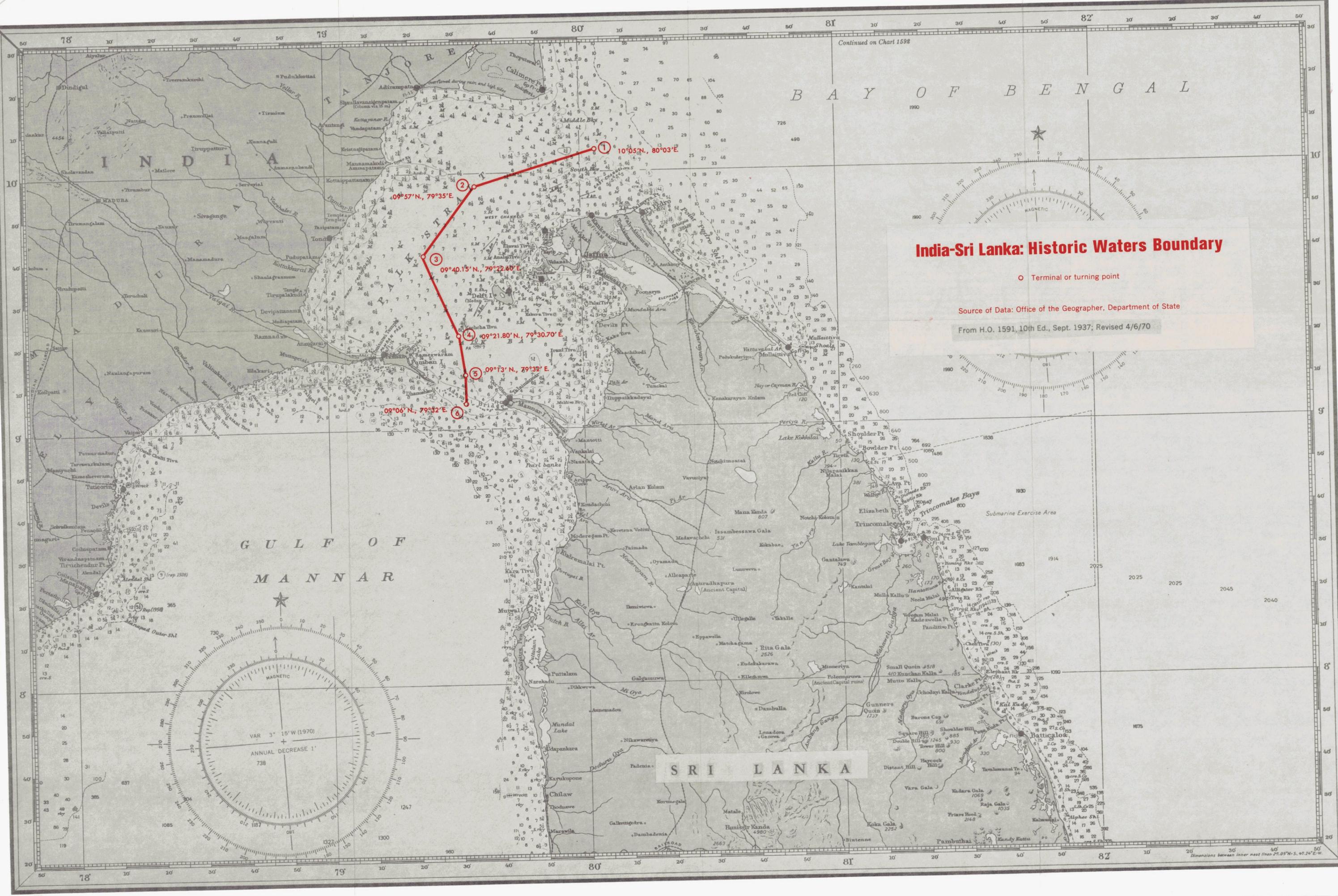


India-Sri Lanka: Historic Waters Boundary

○ Terminal or turning point

Source of Data: Office of the Geographer, Department of State

From H.O. 1591, 10th Ed., Sept. 1937; Revised 4/6/70



SRI LANKA

GULF OF
MANNAR

BAY OF BENGAL

INDIA

INDIA

Dimensions between inner nest lines 27°05'N-S, 47°24'E-W.